

Wayne Allard

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**SENATOR ALLARD INTRODUCES LEGISLATION
TO RESOLVE MINERAL RIGHTS DILEMMA
AT ROCKY FLATS CLEANUP SITE**
Creates 'willing seller' opportunity

WASHINGTON, D.C. – U.S. Senator Wayne Allard (R-Colorado) introduced legislation Wednesday designed to resolve the problem of mineral rights at the Rocky Flats Environmental Technology site so that the U.S. Fish and Wildlife Service's plans to create a national wildlife refuge at the site can move forward.

"This legislation sets up a win-win situation and will allow us to complete the transfer of responsibility for the site from the Department of Energy to the Department of the Interior (which oversees the U.S. Fish and Wildlife Service)," Senator Allard said.

"The bill I introduced today is the legislative culmination of 18 months of negotiation among the federal government, the State of Colorado and the mineral rights owners," Senator Allard said. "It specifically excludes the option of condemnation, making it a fair and equitable settlement for both the government and private interests involved."

In 2001, at Senator Allard's request, Congress passed the Rocky Flats National Wildlife Refuge Act. The Act requires the Department of Energy to transfer most of the Rocky Flats Environmental Technology Site to the Department of Interior for the purpose of creating a wildlife refuge to preserve Colorado's unique Front Range habitat once cleanup of the site is complete.

The transfer agreements have been delayed because of disagreements over privately-owned mineral rights. The Department of Interior contends that surface mining of these rights would make the creation of a wildlife refuge on the site all but impossible. To determine the cost of purchasing these mineral rights, the Department of Energy paid an independent contractor to conduct an appraisal of the mineral rights.

Under the Allard legislation, the Secretary of Energy would be required to purchase mineral rights only if the following conditions are met:

- * The owner of the mineral rights is a willing seller;
- * The Secretary purchases the mineral rights at fair market value; and

* The trustees for Rocky Flats enter into a natural resource damages settlement that satisfies existing national resource liabilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

“This legislation has broad support, including the Governor of the State of Colorado and local officials at Rocky Flats,” Senator Allard said.

The advantages of the Allard legislation include the fact that the State of Colorado gains more dollars than might have been possible through the normal natural resource damages settlement process, that the owners of the mineral rights will have an opportunity to sell their rights at fair market value, and the Department of Energy is freed from most if not all of its natural resource damage liabilities at Rocky Flats. Finally, the Department of Interior would then be able to move forward with the creation of a wildlife refuge at Rocky Flats.

Rocky Flats is owned by the U.S. Department of Energy (DOE) and manufactured components for nuclear weapons for the nation’s defense until 1992. The current mission of the plant is closure – environmental cleanup, waste management and decommissioning – by December 2006. The industrial complex of more than 100 buildings was located in the center of about nine square miles of undeveloped land 16 miles northwest of downtown Denver. The final shipment of transuranic nuclear waste was shipped from the site in April of this year.

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